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SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: Planning Commission

FROM: Leonard F. Mansell, Planner III

DATE: December 8, 2005

SUBJECT: General Plan Conformity Report for the 80 foot 6th Street right of way at Park Avenue in the urban area of Cayucos.
(RECOMMEND RECEIVE AND FILE)

This is to advise the Planning Commission that the San Luis Obispo Department of Planning and Building has acted on the above referenced request for general plan conformity review. Attached is a copy of the staff report for your information.

On the date of determination referenced in the attached staff report, the Department of Planning and Building found the proposed road abandonment in conformity with the applicable provisions of the general plan.



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COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

Promoting the wise use of land
Helping build great communities

DETERMINATION DATE December 8, 2005	CONTACT/PHONE Leonard F. Mansell 781-5199	APPLICANT Stanton L. Weber	FILE NO. SUB2004-00163
SUBJECT Determination of conformity with the General Plan for the abandonment of the 6th St. right of way, 80 west of Park St feet. The project is located at the northern end of 6 th Street as it intersects with Park Ave. in the Cayucos urban area of the Estero planning area.			
RECOMMENDED ACTION Receive and file the determination that the proposed vacation of this portion of 6 th St. is in conformity with the County General Plan			
ENVIRONMENTAL DETERMINATION Not required for conformity reports			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Geologic Study Area/Coastal Zone	ASSESSOR PARCEL NUMBER 064,133,015/ 064,133,026/ 064,133,027	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: Chapter 4 Circulation/Chapter 8 RSF/Height Limitations/Setbacks-Community wide/Geological Study Area			
EXISTING USES: Vacant/ Unimproved Right of Way			
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Single Family East: Residential Single Family South: Residential Single Family West: Residential Single Family			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Cayucos Advisory Council			
TOPOGRAPHY: Steeply Sloping		VEGETATION: Native Grasses	
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage & disposal system Fire Protection: Volunteer Fire Department		ACCEPTANCE DATE: 12/1/2004	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

PROJECT DESCRIPTION

This request is to abandon an 80 foot portion of 6th St. right of way that is no longer needed for circulation, at the intersection of 6th St. and Park Ave in Cayucos. This area of 6th St. has an extreme slope that prohibits improvement. Without major outlay of expenditure and time this portion of 6th St. will remain unimproved. The property owners on the North and South side of the 6th St. right of way are requesting the abandonment of this right of way. The vacation of this portion of 6th St. will afford each property owner more square footage to their respective lots. The square footage received from the right of way vacation will not be a sufficient amount of square footage to enable them to subdivide.

GENERAL PLAN CONFORMITY

When the disposal of real property, is proposed in the form of public right-of-way or private easement, within the unincorporated area, the proposal must be evaluated for consistency with the county General Plan before the action is authorized. Pursuant to Government Code section 65100, the Planning Department is authorized to prepare and issue conformity reports that are required by Government Code section 65402. This conformity report is being prepared because this project requires a determination of conformity with the county general plan.

The determination of conformity is to be based on the County General Plan including the text, standards, programs, and maps contained therein. Factors that are listed in the Framework for Planning, Part I of the Land Use Element that may be considered in determining conformity include, but are not limited to the following:

1. The proposed project bears a reasonable relationship to pertinent policies and mapped locations of the most applicable General Plan elements, specific plan or facility master plan.
2. The project is consistent with the goals, objectives and policies of the Land Use Element, and any other applicable General Plan Element.

The vacation of this right-of-way/easement meets the factors as set forth in the Land Use Element as enumerated above.

The abandonment of a right-of-way does not extinguish rights of properties that have legally-established easements over the right-of-way. These properties maintain their private easement rights. Abandonment does, however, take the right-of-way out of the public domain and return it to the private use by those who have easements.

The Board of Supervisors can retain public circulation in an abandoned right-of-way for purposes of slope easements, trails or equestrian trails.

PROCESS

The road abandonment process proceeds to the Board of Supervisors via a public hearing process after the findings of conformity with the General plan are made. The project is introduced as a proposed "intent to abandon a road" and then is scheduled no sooner than four weeks after introduction as a full public hearing before the Board of Supervisors. Mailed notice is given to all properties that have direct access to the road proposed for abandonment. Typically, road abandonment proposals are exempt from environmental review, however, each proposal is evaluated individually.

OTHER AGENCY COMMENTS

The Cayucos Advisory Council initially expressed concerns that the additional property would allow further subdivision of the adjoining lots. The ability to maintain a coastal access way was also expressed. The property owners were receptive to allowing a pedestrian right-of-way down the center of 6th St. from Park Ave. The Advisory Council suggested improvements to the pedestrian walk way in the form of concrete stairs and railings but the question of liability to the property owners was of bigger concern and the Council deleted this portion of their recommendation.

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DETERMINATION AND FINDINGS

The proposed vacation (as shown in the Exhibit) is in conformity with the county General Plan based on the following findings:

- A. The proposed vacation is in conformance with the Land Use Element because this right-of-way providing ingress/egress is not needed for circulation.
- B. The proposed vacation does not conflict with other elements of the County General Plan. The use of the site for residential use is consistent with the County General Plan and any applicable Specific Plans.

The map shows the coastal town of Cayucos, California. The Pacific Ocean is to the west. To the south is Morro Strand State Beach. To the east is Whale Rock Reservoir. The town is laid out in a grid pattern. A circled area in the center of the town is labeled with a '1' in a circle, indicating the location of the study area. The map includes a scale bar showing distances in feet (0 to 3000), miles (0 to 1), and kilometers (0 to 1.6). The map also shows the Morro Strand State Beach and the Morro Strand State Beach. The map is oriented with North at the top.

Exhibit -
Vicinity Map

Proposed Road Abandonment

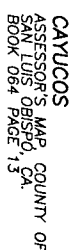


Exhibit _____

Proposed Road Abandonment

